



EVAN B. DONALDSON
ADOPTION INSTITUTE

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**Expanding Resources for Children:
Is Adoption by Gays and Lesbians Part of the Answer
for Boys and Girls Who Need Homes?**

Policy Perspective

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Executive Summary

It is a mantra of political rhetoric, a guiding principle of professional policy and practice, and an explicit goal of our nation's laws and practices: Every child deserves to live in a permanent, loving home. Yet tens of thousands of boys and girls remain mired in the foster care system, unable to return to their original families and without realistic prospects of being adopted.

At the same time, agencies and attorneys report the number of gay and lesbian adults expressing an interest in adopting these children is growing. This reality raises hopes among many child welfare professionals and policy-makers, who see a new pool of prospective parents for children who need them. But it also generates controversy and criticism among others, who are concerned about the consequences of permitting adoption into families headed by gay or lesbian parents.

In an effort to inform the debate, the Evan B. Donaldson Adoption Institute has conducted an extensive examination of the relevant issues, laws and practices, and available research spanning the last several decades. This effort – which represents one of the broadest, most thorough reviews and analyses to date on gay/lesbian adoption and parenting – is part of a larger, more detailed project that will be completed and released in several months. This paper, meanwhile, is intended as an overview that serves two principal functions: to inform and provide context for the often-fractionious debate over gay/lesbian adoption currently taking place in our country; and, most important, to provide information that can be used to shape best practices that focus on providing boys and girls in the child welfare system with safe, committed and enduring families.

Principal findings

- Against a backdrop of increasing public acceptance, social science research concludes that children reared by gay and lesbian parents fare comparably to those of children raised by heterosexuals on a range of measures of social and psychological adjustment.
- Studies are increasing in number and rigor, but the body of research on gay/lesbian parents is relatively small and has methodological limitations. Still, virtually every valid study reaches the same conclusion: The children of gays and lesbians adjust positively and their families function well. The limited research on gay/lesbian adoption points in the same direction.
- Though few states have laws or policies explicitly barring homosexuals from adopting, some individual agencies and workers outside those states discriminate against gay and lesbian applicants based on their own biases or on mistaken beliefs that such prohibitions exist.
- Laws and policies that preclude adoption by gay or lesbian parents disadvantage the tens of thousands of children mired in the foster care system who need permanent, loving homes.

Background

Despite federal legislation and state initiatives aimed at getting more children out of foster care and doing so more quickly – and despite a surge in adoptions from the system during the last decade – the number of children in need of permanent families continues to be large. The latest available count, by the U.S. Children's Bureau for 2003, estimated there were 119,000 children awaiting adoption from the child welfare system, only 20,000 of whom were in pre-adoptive homes.

Many prospective parents are interested in adoption, but the significant majority of them are interested in adopting infants or young children without histories of maltreatment and without physical or mental disabilities. In short, the number of waiting children in foster care far exceeds the supply of parents seeking to adopt them. Achieving permanency, safety and well-being for these children requires creative policy and practice to expand the number of families available. In this context – and against the backdrop of changing cultural values – many, if not most, agencies nationwide have become increasingly amenable to gay and lesbian individuals and couples as one such resource.

However, the move to expanding the pool of adoptive parents in this way requires legal, organizational and attitudinal change. If child welfare professionals, children's advocates and policymakers wish to enlarge the pool of parental resources to include these parents, among the steps they should consider are:

Recommendations

- Move to end legal and de facto restrictions on adoption by gays and lesbians. This includes working to expand co-parent and second parent adoption, as well as revising agency policies and practices that may impede their consideration as an adoptive resource.
- Develop clear statements in support of such adoptions, recognizing a “don't ask, don't tell” approach disadvantages parents and, ultimately, their children. And develop contacts with the gay/lesbian community in order to engage in genuine, informed outreach.
- Help workers, supervisors, and agency leaders examine their attitudes and beliefs about gay and lesbian parenting, while affirming the value of these families by including them in outreach, training materials, and parent panels.
- Conduct research to inform the development of resources, training, and support to improve post-adoption success. And work to include and educate children in the process, recognizing that they may encounter prejudice if adopted by gay parents.

Conclusion

Based on both the available research and growing experience, adoption by gays and lesbians holds promise as an avenue for achieving permanency for many of the waiting children in foster care.

Policy Perspectives are research-based Adoption Institute publications that focus on important and timely issues in the field. This report was researched and written by Professor Jeanne Howard of Illinois State University, who is the Adoption Institute's Policy and Research Director. Special thanks to two of our Senior Fellows, Professor Scott Ryan of Florida State University and Professor David Brodzinsky of Rutgers University, for their valuable contributions. This Policy Perspective was edited by Executive Director Adam Pertman. Send questions and comments to info@adoptioninstitute.org.

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Expanding Resources for Children: Is Adoption by Gays and Lesbians Part of the Answer For Boys and Girls Who Need Homes?

Despite federal legislation and state initiatives aimed at getting more children out of foster care and doing so more quickly – and despite a surge in adoptions from the system in the last decade – the number of children in need of permanent families continues to be large.

The latest available count, by the U.S. Children's Bureau for 2003, estimated 119,000 children were awaiting adoption¹ from the child welfare system, only 20,000 of whom were in pre-adoptive homes. The remainder reflects the disproportionate entry of children of color into the system: 40 percent were African American, compared to 37 percent Euro-American, non-Hispanic children, 14 percent Hispanic, 3 percent of two or more races, and 2 percent Native American. (Race or ethnicity was unknown for 4 percent of these children.) Waiting children are older (averaging 8.6 years) and 64 percent are over age 5. These children have been in care for an extended part of their young lives, averaging nearly four years (44 months) of continuous foster care (U.S. Children's Bureau, 2005).

Older age is the most potent factor predicting that waiting children will never be adopted, and will never achieve permanency. Thousands of such children "age out" of the foster care system annually – and they experience high rates of homelessness, incarceration, early pregnancy, failure to graduate from high school, unemployment and underemployment, and poverty (Courtney & Piliavin, 1998; Goerge, Bilaver, Lee, et al, 2002).

Many prospective parents are interested in adoption, but the significant majority of them are interested in adopting infants or young children without histories of maltreatment and without physical or mental disabilities (Bachrach, London & Maza, 1991; Brooks, James & Barth, 2002). In short, the number of waiting children in foster care far exceeds the supply of parents seeking to adopt them. Achieving permanency, safety, and well-being for these children requires creative policy and practice to expand the number of homes available. In this context – and against the backdrop of changing cultural values – many agencies nationwide have become increasingly amenable to gay and lesbian individuals and couples as one such resource (Brodzinsky, Patterson & Vaziri, 2002).

GROWING ACCEPTANCE OF GAY AND LESBIAN PARENTING AND ADOPTION

Both the American family and social attitudes about family life have undergone profound changes in the past 20 years. Single parenthood, families formed through divorce and remarriage, and families formed through adoption or surrogacy are becoming increasingly accepted variations of the modern family in the United States. This attitudinal shift is occurring about gay and lesbian parenthood as well. A study of Americans' views about gays and lesbians in 1997 found the majority of respondents not only favored the notion of equality, but found trends in public opinion toward gay and lesbian equality had liberalized on nearly every major issue over time – from equality in employment, to

¹ "Waiting children" is defined by the U.S. Children's Bureau as those children whose parental rights have been terminated and/or have a goal of adoption. It does not include children 16 or older whose parental rights have been terminated and who have a goal of emancipation.

housing, to [reduced] disapproval of homosexual practices (Yang, 1998). The study found 40 percent of respondents supported adoption rights for gay and lesbian couples in 1997.

More recent studies show even greater support. A March 2002 ABC news poll, for example, found 47 percent of respondents approved of adoption by same-sex couples (an increase from 38 percent in a 1998 *Newsweek* poll and 28 percent in a Time/CNN poll in 1994), compared to 42 percent who opposed the practice. In addition, nearly 80 percent said adoption by gays and lesbians should be decided on a case-by-case basis by parents and professionals, not by judges or politicians.

Younger Americans are much more supportive of adoption by gay and lesbian parents than are their elders, foreshadowing even wider support as today's youths become tomorrow's policy-makers. For example, a national 2001 poll of 1,003 high school seniors found that two-thirds approve of gay marriage and the clear majority (68 percent) believe gay couples should be able to adopt children (Hamilton College, 2001).

CHILDREN WITH GAY OR LESBIAN PARENTS MAY NUMBER IN THE MILLIONS

Data on the numbers of gay and lesbian Americans are limited, and data on children with gay or lesbian parents are even more difficult to come by. Lingering social stigma, including discrimination and acts of violence against gays and lesbians, are among the factors that limit open acknowledgement – and, consequently, undermine the accumulation of reliable statistics.

The 2002 Census identified 600,000 same-sex couple households, with 162,000 having one or more children. One-third of lesbian-headed and one-fifth of gay-headed couples reported they had children under age 18 living with them. Many factors suggest the Census figure is a low estimate of children who have homosexual parents. For instance, these numbers do not capture the children in same-sex headed households who did not identify their relationship, those headed by gay or lesbian single parents, or those whose non-gay parent may have physical custody but whose gay parent is also active in the child's life.

Estimates of children with gay or lesbian parents range as high as 1.6 million to 14 million children (Patterson & Freil, 2000). Stacey and Biblarz (2001), researchers who have carefully critiqued studies on gay/lesbian parenting, make a conservative estimate of 1 percent to 12 percent of the dependent child population, or from 1 million to 9 million children. Using the most conservative definition, it can be safely concluded that at minimum 1 million American children under the age of 18 have at least one gay or lesbian parent.

THE ARGUMENTS FOR AND AGAINST GAY/LESBIAN ADOPTION

While demographers and child-welfare professionals agree that the number of gay and lesbian parents is significant and that gay/lesbian-headed families are increasingly accepted, placing children for adoption with gay or lesbian parents remains controversial. Arguments of critics center on the view that these parents subject their sons and daughters to disproportionate risks. Supporters point to the success of gay and lesbian parents in raising children and the need of waiting children for homes. Empirical examinations of parenting by gay and lesbian parents have been used by both sides of the issue to support their claims. Even President George W. Bush has weighed in on the matter, stating, "Children can receive love from gay couples [but] studies have shown that the ideal is where a child is raised in a married family by a man and a woman (New York Times, 2005).

Those arguing against adoption by gays/lesbians hold that the best interests of children are not served when they are raised by gay/lesbian parents or are placed with gay/lesbian parents in custody disputes or in foster care or adoption. They extrapolate from what they conclude are negative findings in studies on gay and lesbian adults, families without fathers, and on parenting by gay and lesbian parents to present an argument against adoption by gays and lesbians. In addition, they point to methodological limitations in studies as a way to question findings that find positive adjustment and functioning in families with gay or lesbian parents (Rekers & Kilgus, 2002²). In their arguments, the "best interests of the child" are served when boys and girls are protected from the dangers or disadvantages of being reared by gay or lesbian parents.

Those who support gay/lesbian adoption argue that "the best interests of the child" require that a range of nurturing homes should be considered for children and that these parents are valuable resources (CWLA, 2004). Supporters cite 25 years of social science research which concludes that children who are reared by gay and lesbian parents fare well (comparably to children raised by heterosexuals) and that gay/lesbian adoption should therefore be allowed and encouraged.

Studies on gay and lesbian parenting support the position that children are not disadvantaged and, in some cases, receive unique benefit from being reared by gay/lesbian individuals. For example, in terms of psychological well-being, studies have found no significant differences between children of lesbian mothers and heterosexual mothers on a range of measures of social and psychological adjustment – e.g. anxiety, depression and self-esteem; behavior problems, social relationships or emotional difficulty.³ Children also fare similarly in school performance and cognitive ability.

Studies also have examined the sexual orientation of children with gay/lesbian parents. Because opponents of gay/lesbian parenting generally see being gay or lesbian as negative, they have raised the concern that their children are at greater "risk" to become gay or lesbian. Proponents of gay/lesbian parenting and adoption note most studies show that the sexual orientation of children is not associated with family type.⁴ Some studies have shown that the daughters (but not sons) of lesbians were more likely to report same-sex romantic exploration, although later sexual orientation did not differ between children reared in heterosexually and homosexually headed households.

A few studies have found that children of lesbian and gay parents fare better on some measures than their peers, including school involvement (Wainwright et al, 2004) and ability to discuss sexual development with parents (Tasker & Golombok, 1997). Furthermore, studies have found greater involvement and more equality in parenting of both parents in families headed by gays and lesbians (Chan, Brooks, Raboy, & Patterson, 1998).

Most studies on parenting by homosexual parents examine lesbian-mother households. Fewer studies have been conducted on gay fathers, but to date the findings also point to positive adjustment for children and positive family functioning (Andersson, Amilie, and Ytteroy, 2002).

² Arguments challenging findings of studies on gay/lesbian parenting often appear in less than mainstream outlets. This article was published in the law review of Regent University, a university founded by religious conservative Pat Robertson. In the special edition of the law review, *Homosexuality: Truth be Told*, the editor's note states, "The legal community has a right to know... that a link exists between homosexuality and the sexual abuse of children, that the American Psychiatric Association was hijacked by homosexual activists, that homosexuality is being marketed to children, that studies claiming that parenting by homosexuals does not cause harm are questionable, that homosexuality is not immutable, and that homosexual advocates are calling for the legalization of pedophilia."

³ See for example, Golombok, Spencer & Rutter, 1983; Huggins, 1989; Patterson, 1994; Flaks, Ficher, Masterpasqua & Joseph, 1995; Tasker & Golombok, 1997; Chan, Raboy & Patterson, 1998; Chan, Brooks, Raboy & Patterson, 1998; Tasker, 2005; Andersson, Amilie, & Ytteroy, (2002); Wainwright, Russell & Patterson, 2004.

⁴ See for example, Andersson, Amilie & Ytteroy, 2002; James, 2004; Wainwright, Russell & Patterson, 2004; Tasker, 2005;

Many who oppose gay/lesbian adoption argue it is ill-advised at best and destructive at worst. They hold that parenting by gays/lesbians and by extension, adoption by gays/lesbians, holds substantial risks for children. There are few social scientists whose work purports to demonstrate these risks, however. The primary author writing in opposition to gay parenting and adoption is Paul Cameron, director of the Family Research Institute which, according to its Website,⁵ "was founded in 1982 with one overriding mission: to generate empirical research on issues that threaten the traditional family, particularly homosexuality, AIDS, sexual social policy and drug abuse."

Cameron's work is often cited in *amicus* briefs in court cases related to gay/lesbian parenting and adoption, and in legislative and policy debates. Cameron has authored some 38 articles in the past 25 years concluding that homosexuality has negative consequences for those who are gay/lesbian, for their children and for society⁶. Cameron has also written in opposition to adoption by gays and lesbians, concluding from data on sexual abuse reports of children in foster care that between one-third and one-half of foster parent sexual abuse was committed by "homosexuals" (Cameron, 2005). Cameron acknowledges that most of the abusers were married and/or identified as heterosexual, but holds that a same-sex act of sexual abuse necessarily defines the perpetrator as homosexual.

Cameron's work has been widely criticized. He was expelled from the American Psychological Association in 1983 and denounced by the American Sociological Association because he "consistently misinterpreted and misrepresented sociological research on sexuality, homosexuality and lesbianism" (American Sociological Association, 1987, 14; Cameron, 1994⁷). In *Baker v. Wade*, a federal judge attacked Cameron's statement that gay people pose a greater risk of child sexual abuse as a "total distortion" of scientific data and a misrepresentation to the court. Nevertheless, Cameron's work has been the basis for the cases made by many others.

For example, Professor Lynn Wardle (1997) of Brigham Young University drew largely on Cameron's work in a law review article arguing against the rights of gay parents. Wardle concluded that the children of gay parents are at risk for confusion about their sexual identities and more likely to become homosexual; their parents are more promiscuous and more likely to sexually abuse their own children; that these children are at greater risk to lose a parent to suicide, substance abuse or AIDS; that they are at greater risk to suffer emotional problems such as depression; and that they will experience social stigma and difficulty with peers as a result of their parents' sexual orientation.

The preponderance of research refutes such conclusions. Although authored by a variety of social scientists and appearing in a wide range of professional journals, this research is not without limitations however. Stacey and Bilbarz (2001), in a comprehensive critique of the literature, identified theoretical, conceptual and methodological problems in research on the effects of parental sexual orientation. These include the lack of theory-based explanations for findings, the emphasis on lesbian mothers, a focus on middle- and upper-class families and on Caucasian families, and a lack of longitudinal studies. In addition, since it has not been determined how many gay and lesbian parents there are, representative sampling is impossible. In addition, sample sizes are often small and few studies have examined "intentional" parenthood; most have looked, instead, at families where one parent is the birth parent of a child born into a marriage where the parent later lives as a gay or lesbian person.

⁵ Familyresearchinst.org

⁶ The common search tool PsycINFO, finds 34 of Cameron's articles in the last 25 years appear in a single journal (*Psychological Reports*) which, unlike most scholarly social science publications, requires authors to pay a fee (\$27.50 per page) for articles published.

⁷ Cameron disputes the contention that he was expelled from the APA. He acknowledges that he was sent a letter expelling him, but states he had resigned from the organization prior to receiving it. His 1983 letter to the APA Monitor explaining his resignation included the statement "...to require psychologists to *advance* the civilization-destroying 'gay rights' movement is simply an abomination."

Stacey and Bilbarz also challenge the finding of researchers who report there are “no differences” between children raised by gay/lesbian parents and heterosexual parents. They agree that the no differences claim is well supported on a number of dimensions that could cause the most concern, including psychological well-being or cognitive functioning, parenting styles and level of investment in children, and quality of parent/child relationships. They point out, however, that studies have found children in gay/lesbian-headed households may engage in less gender-stereotypical play, while daughters of lesbians aspire to nontraditional gender professions (such as engineer or doctor).

Some studies have also found that the children of lesbians are more likely to report having had same-sex attraction at some point, although they were no more likely to identify themselves as bisexual, lesbian or gay. Stacey and Bilbarz conclude that the generalization that there is “no difference” between children raised in gay/lesbian households and heterosexual households is an overstatement, particularly in the areas related to gender and sexuality, calling such differences “modest but interesting” (p. 176) and urging further study.

Recent research is more rigorous and has addressed some of the concerns of methodological limitations. Thus, over time, positive conclusions about gay/lesbian parenting appear to be headed toward greater support. For example, concerns about participant bias were addressed by a recently published study where subjects were randomly drawn from a large, ongoing national study of American families. This study found the teens raised by lesbian parents were similar on all dimensions to a comparison group of teens raised by heterosexual parents (Wainwright, Russell & Patterson, 2004). The major difference was that the children of lesbians were more likely to be involved at school and in extra-curricular activities.

Overall, adolescents were more likely to demonstrate positive adjustment when they perceived their parents as caring and when parents reported being close to their children. In another study, drawing from a community sample in England, Golombok et al (2003) compared children with lesbian mothers, heterosexual couples, and heterosexual single mothers. They found similar rates of positive mother/child interactions and positive child adjustment regardless of family type.

LIMITED STUDIES, BUT WITH SIMILAR CONCLUSIONS

While there is a growing body of social science research on gay/lesbian parenting generally, the body of research on gay/lesbian-headed families who adopt is still quite small. The professional literature tends to be philosophical rather than empirical, or focuses on areas other than child and family functioning. There are several small qualitative studies, but only three larger quantitative studies have been found to date, and only one specifically examined child functioning.

A 2005 study compared family functioning in gay/lesbian, heterosexual and special needs adoptive families. The study found no negative effects for children adopted by gay or lesbian parents compared to the other adoption types. Higher levels of family functioning were associated with families with special needs, younger, and non-disabled child adoptions. Families headed by gay or lesbian parents of older children, non-sibling group adoptions, and children with more pre-adoption foster care placements also experienced higher levels of family functioning. At least two of these aspects – older child and more foster placements – are commonly associated with higher levels of post-adoption difficulty. The authors conclude that gay/lesbian-headed families show promise as resources for children, particularly older ones (Leung, Erich, & Kanenberg, 2005).

Like many of the studies on gay/lesbian parenting, this one on family functioning in adoptive families is limited by its methodology; for example, a non-random and relatively small sample was used, as were self-report questionnaires that pose threats to internal and external validity. Nevertheless, this

first step in examining child functioning in adoptive families headed by gay/lesbian parents continues the small but steady pattern of positive findings.

In sum, while there are limitations in studies to date, many of them have been conducted and the valid ones appear to universally come to the same conclusions: that children raised by gay and lesbian parents adjust positively, and their families function well. Most pointedly, there is no credible social science evidence to support that gay parenting (and, by extension, gay adoptive parenting) negatively affects the well-being of children. Sociologist Judith Stacey (New York Times, 2005), who conducted an often-cited critical review of extant studies of gay and lesbian parenting, notes that even with the limitations in studies to date, "there is not a single legitimate scholar who argues that growing up with gay parents is somehow bad for children."

POSITIONS OF PROFESSIONAL AND CHILD ADVOCACY ASSOCIATIONS

Based on both the evidence of the positive outcomes of parenting by gays and lesbians and recognition of the great need for homes for tens of thousands of waiting children, many professional associations have made clear their support for inclusion of gay and lesbian adults as adopters – and their opposition to exclusion on the basis of sexual orientation. For example, the Child Welfare League of America (CWLA), the pre-eminent U.S. adoption policy and practice standards organization, states in its Standards for Excellence for Adoption Services: "*Applicants should be assessed on the basis of their ability to successfully parent a child needing family membership and not on their race, ethnicity or culture, income, age, marital status, religion, appearance, differing lifestyles or sexual orientation*" (CWLA, 1988: 47, emphasis added).

In addition, the CWLA standards state: "*Sexual preference [sic] should not be the sole criteria on which the suitability of the adoptive applicants is based. Consideration should be given to other personality and maturity factors and on the ability of the applicant to meet the specific needs of the individual child*" (p.50).

The CWLA has filed *amicus* briefs in court cases challenging bans on adoption or foster care by gay and lesbian individuals and couples. A number of other mainstream organizations have also taken stands in support of treating gays and lesbians without prejudice in parenting and adoption decisions. These include the American Bar Association, the American Medical Association, the American Psychiatric Association, the American Psychological Association, the American Association of Psychotherapists, the American Academy of Pediatrics, the National Association of Social Workers, and the North American Council on Adoptable Children.

LAWS AND POLICIES LACK UNIFORMITY

Despite the thousands of waiting children in the foster care system, the growing acceptance by the public and by professional associations of gay/lesbian parenting and adoption, and the consistency of research showing that that gays and lesbians are successful parents, such adoption remains controversial. This is reflected in the current array of contradictory statutes, court decisions and administrative policies relating to gay/lesbian parenting. Further, the landscape is constantly changing as states consider and reconsider their laws and policies.

Currently, only one state⁸ (Florida) explicitly bars gays and lesbians from adopting by statute. Its law, passed in 1977 and upheld in 2005 by the federal Court of Appeals for the Eleventh Circuit, specifically states, "No person eligible to adopt under this statute may adopt if that person is a homosexual."⁹ Adoption by gay couples is statutorily prohibited in Mississippi, while Utah's ban on adoption by unmarried couples has the effect of excluding homosexuals.

Eleven states¹⁰ and the District of Columbia, either by statute or findings by their highest courts, specifically permit adoption by gays and lesbians (Blanks, Dockwell, & Wallance, 2005; Cooper & Cates, 2006), while lower courts in many states have also come to the conclusion that such adoptions are allowed (Leonard, 2005). New York State's law is an example of statutes expressly allowing gay and lesbian adoption. In addition to permitting adoption by any unmarried adult, the law forbids discrimination based on sexual orientation in adoption, stating: "Applicants shall not be rejected solely on the basis of homosexuality."¹¹

When adoption statutes are silent on the issue of sexual orientation of prospective adoptive parents and the state does not otherwise protect against discrimination on the basis of sexual orientation, the picture is less clear. In those circumstances, the approval (or disapproval) of gay or lesbian adoption is left to the discretion of individual judges, and adoption placement decisions about waiting children are made at the discretion of individual workers and placement agencies.

While few states overtly prevent same-sex couples from adopting, the inability of same-sex partners to marry can also limit the ability of both to adopt. The federal Defense of Marriage Act, as well as state statutes and constitutional amendments, allow the prohibition of same-sex marriage. Same-sex couples cannot marry in 49 states; Massachusetts is currently the sole exception. While additional states – such as California, Vermont and Connecticut – have civil union or domestic partnership laws that grant rights to same-sex couples, many states require a couple to be married in order for both partners to adopt the same child. Bans on joint adoption leave gay and lesbian couples and their children legally vulnerable in ways heterosexual couples are not.

Courts in 12 states, including the highest courts in Massachusetts, Vermont, California, Pennsylvania, New York and the District of Columbia, have ruled that adoption statutes can be construed to allow for same-sex second-parent adoption, while courts in Colorado have ruled on both sides of the issue (Leonard, 2005; Cooper & Cates, 2006). Case law in an additional six states has found that adoption laws cannot be construed to allow for same-sex second-parent adoptions; those states are Arizona, Colorado, Nebraska, Ohio, Oklahoma and Wisconsin (Leonard, 2005).

Another means by which gay men and lesbians may be blocked from adoption is through state laws or policies preventing them from becoming foster parents. Prohibition from fostering makes adoption of foster children into gay or lesbian households very unlikely, as the significant majority of such children are adopted by their foster parents. In 2005, the Texas House overwhelmingly passed legislation to reform the state child welfare system. In the 11th hour, a provision was added to ban adults who are gay or lesbian from fostering children, but this provision was stripped from the bill

⁸ New Hampshire once had such a statute, barring homosexuals from adopting any person or from being licensed as foster parents. However, it was repealed after the state added sexual orientation to its civil rights law in 1999.

⁹ (Fla.Stat. Ann., ch.63.042(3))

¹⁰ California, Maryland, Massachusetts, Nevada, New Jersey and New York have statutes or state policies that expressly permit gay or lesbian adults to adopt. Connecticut, Illinois, Indiana, Pennsylvania, Vermont and Washington, D.C. have statutes or appellate court decisions prohibiting discrimination in consideration of adoption by the same sex partner of a parent.

¹¹ N.Y. Code 18 NYCRR & 421.16(h)(2) (2004)

before its passage. The law would have required foster parent applicants to answer a question about their sexual orientation and, if they were gay or lesbian, would have automatically disqualified them.

Currently, no state has statutes prohibiting gays or lesbians from serving as foster parents, but administrative policies can have the same effect. Nebraska has an administrative policy that prohibits gays and lesbians from becoming foster parents. Such a policy in Arkansas was struck down in December 2004 but was recently appealed, and another such policy was recently reversed in Missouri. New Jersey's administrative code, on the other hand, expressly prohibits the Department of Youth and Family Services from discriminating against prospective foster parents on the basis of sexual orientation (Human Rights Campaign, 2004) and state policy in Connecticut has the same effect. California's Foster Care Non-Discrimination Act, which went into effect in 2004, prevents administrative policy that would bar gay or lesbian foster parents. The law provides that all foster children and all adults have a right to fair and equal access to all available services, placement, care, treatment and benefits, and the right not to be subjected to discrimination on the basis of actual or perceived sexual orientation or gender identity.

The United States continues to debate the correctness of adoption and fostering by gays and lesbians. While most efforts to limit adoption have failed to date, as many as 15 -16 states are reported to have bills to prohibit or limit adoption by gay or lesbian persons in process¹² (McCoy, 2006; Stone, 2006). Other countries have moved to permit such adoptions, most nationwide. Denmark, Germany, the Netherlands, Spain, the United Kingdom (England, Scotland and Wales), and Canada permit such adoptions.

MOST ADOPTION AGENCIES ACCEPT GAY AND LESBIAN APPLICANTS

Despite the variations in law and policy, gay and lesbian individuals and couples do adopt. How do they do so and how prepared are adoption agencies to meet the needs of these new families? To date, there is limited research on this topic. Following up on the research by Brodzinsky et al (2002), the Evan B. Donaldson Adoption Institute conducted a national study of adoption agency directors to determine their policies and practices related to serving this population. In the study of 307 agencies, based on practice in 1999-2000, 60 percent reported that they accepted applications from gay and lesbian applicants and some actively reached out to them.

Approximately 40 percent of respondents reported they had placed children with gay or lesbian parents, although most agencies did not keep specific statistics on the sexual orientation of their clients, so the number probably is higher. Indeed, the sexual orientation of applicants was not explored by most (57 percent) agencies. Among those that did try to determine it, most did so with all families as part of the home study (72.5 percent) or on the adoption application (12 percent). In just over 10 percent of cases, agency directors reported sexual orientation was only addressed when the applicant was thought to be gay or lesbian.

The impact of such information varied greatly by agency. In most situations, the information was simply included in the adoption preparation and education process (59 percent) or ignored as the process continued (9.5 percent). For 29 percent, however, the applicants were rejected, referred to another agency, or restricted to special needs adoption only (3.5 percent).

Nearly two-thirds (65 percent) of agencies had policies related to gay/lesbian adoption. Twenty-five percent of agencies rejected applicants on this basis, 19.5 percent for religious objections, 8 percent

¹² Gaywired.com (2006) reports restrictive acts are in various stages of consideration in Alabama, Alaska, Arizona, Indiana, Georgia, Kansas, Kentucky, Michigan, Missouri, Ohio, Oregon, Pennsylvania, Tennessee, Utah and West Virginia.

because they only placed with married couples, and 5 percent because state law prohibited such placement. Another 38 percent of agencies made decisions based on the preferences of surrendering parents or the regulations of the child's country of origin. Just over one-third of agencies had specific non-discrimination policies that allowed for adoptive placement with gay/lesbian applicants. As noted previously, few states specifically prohibit adoptive placement with lesbian or gay parents. However, more than 15 percent of responding agency directors reported that they were unsure about its legality or that their states disallowed such adoption (when this was not the case).

Although most agencies had reported they would work with gay or lesbian prospective adoptive parents, the vast majority (84 percent) did not engage in active recruitment or outreach. When they did, their attempts were low-key, relying on word of mouth.

The report concluded that there are readily available opportunities for gay men and lesbians to become parents through adoption, opportunities that are greater than the media or public generally understand to be the case. While an increasing number of agencies are willing to work with gay or lesbian applicants, however, many reported that they were unsure about whether or how to reach out to them. A telling finding was that nearly half (48 percent) of respondents indicated an interest in receiving training to work with gay and lesbian prospective parents.

The Donaldson Adoption Institute study surveyed adoption agency directors, and it is important to recognize that the actions of individual workers may or may not reflect agency policy. Studies of worker attitudes and practices reveal that individual beliefs often guide decisions about the placement of children with gays or lesbians. A study of adoption workers from across one state found that a lack of clear policy at the federal or state levels and a lack of protection from discrimination may make it difficult for gay and lesbian prospective parents to adopt (Kenyon, Chong, Enkoff-Sage, et al, 2003). Workers reported an array of beliefs and activities related to placing children with gay or lesbian adopters. Some workers reported that they used "community standards" in making decisions about gay/lesbian adoptions, but it was unclear how such standards were discerned.

The prevailing attitude of these workers was that gay/lesbian adoption was in conflict with such standards. Others carefully avoided any consideration of sexual orientation, feeling that to do so was discriminatory. Some respondents indicated that gays and lesbians might be considered as parents for children who were the most difficult to place. The lack of guidance or clear policy means that social workers assessing prospective adoptive parents have a great degree of discretion as to what information they collect and what they do with that information.

A study of 80 public child welfare workers in eight agencies in the eastern U.S. found that attitudes toward lesbians and gay men as adoptive parents were influenced both by childhood and familial socialization, as well as by professional socialization (Ryan, 2000). Of interest is that some workers wrongly believed that they could not place children with gay or lesbian parents; 14 percent reported they would not place a child with such parents because it would be illegal or would violate agency policy, when neither was true. Study findings support the value of training to counteract negative attitudes. Specialized training was found to be highly effective in the formation of positive attitudes and behaviors related to adoption by gays or lesbians.

Each of these studies points to the need for clear directives on adoptive placement with a diverse range of families. Unstated, informal policies or an attitude of "don't ask, don't tell" may allow some adoptions by gay individuals or couples to occur that might otherwise be blocked in states or agencies that discourage gay or lesbian adoption. But such approaches disadvantage children, agencies and parents by preventing the exploration of some of the unique challenges as well as strengths of adoption when the parents are gay or lesbian.

RECOMMENDATIONS

Adoption by gays and lesbians holds promise as one avenue for achieving permanency for many of the waiting children in foster care. However, efforts to expand the pool of adoptive parents in this way necessarily will entail legal, organizational and attitudinal changes. If child welfare professionals, children's advocates and policymakers wish to enlarge the pool of parental resources to include gay and lesbian parents, the steps they should consider include:

- Move to end legal and de facto restrictions on adoption by gays and lesbians. This includes working to expand co-parent and second parent adoption.
- Revise agency policies and practices that may impede consideration of gay and lesbian individuals and couples as an adoptive resource.
- Develop clear statements in support of such adoptions, recognizing that a "don't ask, don't tell" approach disadvantages parents and, ultimately, their children.
- Help workers, supervisors and agency leaders examine their attitudes, recognizing that familial and social attitudes often lead to unrealized homophobia and heterosexism.
- Develop open policies toward and contacts with the gay/lesbian community, engaging in genuine and informed outreach.
- Affirm the value of gay- and lesbian-led families by including them in outreach efforts, training materials, and parent panels.
- Conduct research on these parents – and their children – to ensure sufficient resources, training and support to improve post-adoption success.
- Determine how best to include children in decision-making, recognizing those adopted by gay/lesbian parents may encounter prejudice, as do children adopted across race or ethnicity, and arm these families with information and support to counter such prejudice.

Taking these steps will help increase the number of homes for waiting children and enable the field of child welfare to meet the needs of more children in its care. As one prominent adoption researcher has noted, "... the casualties of ... the status quo are the children who can ill afford to remain in unchanging situations. By not expanding the definition of family, agencies will not be able to meet the demand for homes and thus will continue to bear the costs of maintaining children in foster care and will incur lawsuits for failure to provide permanency for children. However, the most unfortunate effect is that children will languish longer in foster care." (Ryan, 2000: 527).

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**NATIONAL RESOURCE CENTER
FOR FOSTER CARE
& PERMANENCY PLANNING**

at the Hunter College
School of Social Work

***INFORMATION PACKET:
Gay and Lesbian
Second Parent Adoptions***

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May 2004

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Approved by the
Ordinary Bureau of DSS-C

In the United States, formal adoption was originally reserved for white, middle-class, married couples. As more children, including “harder to place” children, began to be available for adoption, various groups (such as single individuals, minorities, the aged, and the poor) advocated successfully for inclusion as prospective adoptive resources. Until very recently, however, state statutes, agency regulations, or agency practices prohibited gays and lesbians from adopting. With the assistance of child advocacy groups, many states are currently allowing gays and lesbians to become adoptive parents. These states now recognize that the best interests of children require finding loving, competent parents, even if these parents do not lead “traditional” lifestyles.

Although gays and lesbians have been able to individually adopt children in many states, partners of gay and lesbian adoptive and biological parents had been unable to adopt the children they were raising together. Virtually all state statutes limited the right to adopt to individuals or to married couples adopting jointly. Furthermore, adoption terminates the existing parent’s legal rights; hence, adoption by a parent’s spouse or partner severs the original parent’s rights. Many states enacted a stepparent exception to this law, allowing heterosexual, legally married spouses to adopt their step-child(ren) (assuming the other biological parent had died or had relinquished his or her rights) without terminating the existing parents’ rights. Understanding that children of gay and lesbian couples deserve the legal protections of a two-parent home, in the 1980’s states began to allow second parent adoptions. Similar to stepparent adoptions, second parent adoptions permit the homosexual partner of an adoptive or biological parent to adopt without terminating the existing partner’s rights. Today, about half of the states allow second-parent adoptions, either by statute or through case law.

Fact Sheet

General Adoption Statistics

Too many children in this country are languishing in foster care, and desperately need adoptive homes. Unfortunately, there are not enough individuals or families who are willing to adopt.

(The following is cited from Child Welfare League of America, www.cwla.org/articles, and from the American Civil Liberties Union ("ACLU," www.aclu.org/LesbianGayRights/LesbianGayRights).

- ◆ The United States is facing a critical shortage of adoptive and foster parents. As a result, hundreds of thousands of children in this country do not have permanent homes. These children remain within state foster care systems for months or years.
- ◆ It is estimated that there are 500,000 children in foster care nationally.
- ◆ On September 30, 1999, 127,000 children in the public child welfare system were waiting to be adopted.
- ◆ The median age of children in this group was 7.7 years.
- ◆ Many of these children had spent more than 36 continuous months in foster care.
- ◆ In 1999, 46,000 children were adopted from public child welfare agencies.
- ◆ Children who lack permanent homes suffer serious damage. These children frequently become victims of the "foster care shuffle," in which they are frequently moved to different homes. A child in permanent foster care can live in 20 or more placements by the time he or she reaches age eighteen. Consequently, children trapped in long-term foster care often suffer from increased emotional problems, delinquency, substance abuse, and academic problems.

(The following is cited from Child Welfare League of America ("CWLA,") www.cwla.org/programs/adoption/adoptionfactsheet.htm).

- ◆ Of the 36,000 children who were adopted in 1998, 40% were white, 44% were black, 13% were Hispanic, 1% were American Indian, and 1% were Asian.
- ◆ The average age of children adopted in 1998 was seven years old.
- ◆ On average, these children waited to be adopted 18 months following termination of parental rights.

Gay and Lesbian Parenting Statistics

(The following is cited from Lamda Legal, www.lamdalegal.org).

- ◆ There are an estimated six to ten million lesbian and gay parents in the United States.
- ◆ These parents are the mothers and fathers to an estimated six to fourteen million children throughout the country. Although many of these children were born when their parents were in a heterosexual relationship, in the last decade there has been a sharp rise among gays and lesbians planning and forming families through adoption, foster care, donor insemination, and surrogacy.

Adoption Agency Practices with Respect to Gays and Lesbians

(The following is cited from the Evan B. Donaldson Adoption Institute, www.adoptioninstitute.org).

The Evan B. Donaldson Adoption Institute sought information from adoption agencies concerning their practices toward gay and lesbian prospective adoptive parents. The Institute mailed surveys to all 51 public agencies in the United States, plus 844 private agencies (over half of all agencies listed in the National Adoption Information Clearinghouse). 307 agencies responded. Of the agencies that chose not to participate in the survey, more than one-third reported in follow-up phone calls that they did not work with homosexual prospective adoptive parents. This amount seems to coincide with the percentage of respondents who did not place children with homosexuals. During the year 1999-2000:

- ◆ Adoption agencies were increasingly willing to place children with gay and lesbian adults and, consequently, a steadily escalating number of homosexuals became adoptive parents.
- ◆ 60% of adoption agencies accepted applications from self-identified homosexuals.
- ◆ About two in five of all agencies nationwide have placed children with gay or lesbian adoptive parents.
- ◆ Almost two-thirds of responding agencies had official policies on adoption by gays and lesbians. Of these, 33.6% reported a non-discrimination policy. About one-fifth said that religious beliefs were the basis for rejecting applications from gays and lesbians.
- ◆ Acceptance of homosexuals' applications depended upon the agency's religious affiliation: public agencies (83.3%), Jewish-affiliated agencies (73.7%), private, secular agencies (55.9%), and Lutheran agencies (53.5%) were significantly more likely to make an adoption placement with a gay or lesbian client than all other types of agencies.
- ◆ Agencies serving children with special needs were much more likely to accept applications from homosexuals.

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Policy, Legislative, and Case Law Review

In the early 1980's, the National Center for Lesbian Rights ("NCLR") originated the concept of second parent adoptions. Since that time, a steadily growing number of state and county jurisdictions have granted second parent adoptions (NCLR, www.nclrights.org/publications/2ndparentadoptions.htm). Feeling threatened by this trend, in the mid-1990's right-wing organizations launched a nationwide campaign to enact state laws prohibiting lesbians and gay men from becoming adoptive or foster parents. In 1999, nine states introduced legislation unfavorable to lesbian and gay families. In 2000, two states actually enacted discriminatory legislation. However, during the same period, gays and lesbians achieved victories in legislatures and courts. For example, in 1999 New Hampshire repealed its 1988 ban prohibiting lesbians and gay men from becoming adoptive and foster parents (NCLR, www.nclrights.org/publications/adoptive-information.htm).

Currently, according to the NCLR, appellate courts in the following states have approved second parent adoptions: California, the District of Columbia, Illinois, Indiana, Massachusetts, Pennsylvania, New York, New Jersey, and Vermont. Trial court judges in one or more counties of the following states have also granted second parent adoptions: Alabama, Alaska, Delaware, Hawaii, Iowa, Louisiana, Maryland, Minnesota, Nevada, New Mexico, Oregon, Rhode Island, Texas, and Washington. California, Connecticut, and Vermont have statutes expressly permitting second parent adoptions. Appellate courts in the following states have held that second parent adoptions are not permissible under their respective adoption statutes: Nebraska, Ohio, Wisconsin, and Colorado (Ibid). Note, though, that some courts in Colorado have allowed second parent adoptions—See, National Adoption Information Clearinghouse ("NAIC," <http://naic.acf.hhs.gov/pubs>). Florida, Mississippi, and Utah have statutes prohibiting gays and lesbians from adopting (NCLR, www.nclrights.org/publications/adoptive-information.htm).

The following is an overview of various states' policies regarding gay and lesbian second parent adoptions.

Sample States Allowing Lesbian and Gay Second Parent Adoptions

Vermont—

On December 20, 1991 Vermont approved its first gay and lesbian second parent adoption. This adoption was one of the first of its kind in the country. The adoption agency had knowingly placed a child with a lesbian couple, and advised the couple to adopt the child one at a time. The Vermont Department of Social and Rehabilitative Services did not take a staunch position. The Department merely sent a letter to the court taking the position that gay and lesbian second parent adoptions were not permitted, but it did not attend the hearing or file an appeal to the adoption. In reaching its decision, the court first looked at the best interests of the child. The court found that having two parents with full legal rights is in the child's best interests. The court then addressed the issue of whether or not the legal rights of the first adopting parent would have to be terminated. Finding that the case most closely resembled a stepparent adoption, and citing a District of Columbia opinion, the court held that the termination provision does not have to be applied where it is clearly inappropriate. The court also looked at whether the adoption of a child by a gay or lesbian

couple is legal. Vermont law allows a person or husband and wife together to adopt a child. The couple argued that the partner was a “person” under the statute. Further, they contended that the “husband and wife” section doesn’t require that a couple be a husband and wife, but merely requires that both spouses participate in an adoption. The couple maintained that since Vermont law does not specifically prohibit the adoption, the adoption is legal. The judge agreed, and found that Vermont law allows second-parent adoptions (Out in the Mountains, www.mountainpridemedia.org/oitm/issues/1992/03mar1992/).

In 1995, Vermont became the first state to statutorily allow second parent adoptions. Under 15A V.S.A. Section 1-1-2 (b), “If a family unit consists of a parent and the parent’s partner, and adoption is in the best interest of the child, the partner of a parent may adopt a child of the parent. Termination of the parent’s parental rights is unnecessary in an adoption under this subsection,” (The Vermont Statutes Online, www.leg.state.vt.us/statutes).

California-

Until November 1999, the California Department of Social Services’ administrative rulings prohibited workers from recommending gay and lesbian parents for adoption (“Nolo’s Guide to California Law,” www.nolo.com/lawstore/products). Thereafter, local courts awarded second parent adoptions to gays and lesbians, allowing the partner to gain parental rights without extinguishing the existing parent’s rights. Then, in October 2001, in the case Sharon S. v. Superior Court, an appellate court ruled that second parent adoptions are not valid in California. The facts of the case are particularly interesting. Sharon S. had given birth via artificial insemination. Her partner began proceedings to adopt their son, but they broke up before the adoption was finalized, and Sharon S. tried to block her from adopting. The legality of such adoptions remained uncertain for the next two years, until the California Supreme Court overturned the lower court and reaffirmed the validity of second parent adoptions (Lamda Legal, www.lamdalegal.org).

The California Supreme Court focused on the objectives of the adoption statute, particularly its interest in encouraging and strengthening family bonds. The court stated, “second parent adoptions offer the possibility of obtaining the security and advantages of two parents for some of California’s neediest children.” While California’s statutes provide that adoption terminates the original parent’s rights, the court found that the legislature did not intend to bar an adoption when the parties clearly intend to and agree to preserve the birth parent’s rights. Furthermore, the court stated that since the relevant statutes allow unmarried people to adopt, the state had not expressed any interest in promoting marriage Sharon S. v. Superior Court, S 102671.

In 2002, the California legislature authorized adoptions by registered domestic partners (California Family Code, Section 9000(b), cited in Metropolitan News-Enterprise, www.metnews.com/articles). The statute went into effect after the couple in Sharon S. commenced the adoption procedure.

New York--

In 1995, New York's highest court, the Court of Appeals, held in favor of second parent adoptions. In In the Matter of Jacob and In the Matter of Dana, 86 N.Y.2d 651, the court began with the principle that adoption is a means of securing the best possible home for a child. Stating that to rule otherwise would mean that the "thousands of New York children actually being raised in homes headed by two unmarried persons could have only one legal parent, not the two who want them," the court stressed that children's best interests are advanced by allowing the two adults to become legal parents. The court also relied on an administrative ruling prohibiting adoption agencies from rejecting adoption petitions solely on the basis of homosexuality. While New York law, like that in most other states, terminates an existing parent's rights upon adoption, the court determined that where the adopted person remains in the natural family unit, complete severance of the initial relationship is not necessary. For example, the legislature already allows for the retention of rights in stepparent adoptions, and allows "open adoptions," where the parties to an adoption can agree to the biological parent retaining specified rights after the adoption.

Pennsylvania—

In In Re: Adoption of R.B.F. and R.C.F. and In Re: Adoption of C.C.G. and Z.C.G., the Supreme Court in Pennsylvania upheld the legality of second parent adoptions. The court refused to extend the stepparent statute to gays and lesbians, stating that this statute requires a husband-wife relationship, and that the Commonwealth only recognizes marriages between a man and a woman. Instead, the court based its decision on a section of the statute allowing for a "good cause" exception to the termination of the existing parent's rights. The court also determined that the Adoption Act has no language precluding two unmarried same-sex partners (or heterosexual partners) from adopting a child together. Therefore, it would be "absurd" to prohibit the adoptions merely because the children are the biological or adopted children of one of the partners prior to filing for adoption.

Sample States Prohibiting Gay and Lesbian Second Parent Adoptions

Florida—

Florida is one of three states whose statutes specifically prohibit gays and lesbians from adopting. In 1977, in the wake of Anita Bryant's virulently homophobic "Save Our Children" campaign against gay rights, Florida passed section 63.042(3) (ACLU, www.aclu.org/LesbianGayRights/LesbianGayRights.cfm). This statute states, "No person eligible to adopt under this statute may adopt if that person is a homosexual." The bill's sponsor in the State Senate told a local newspaper at the time that the new law was intended to send a message to gays and lesbians: "[w]e are really tired of you. We wish you'd go back in the closet." (cited in ACLU, www.aclu.org/LesbianGayRights/LesbianGayRights).

In January 2004 the Court of Appeals for the 11th Circuit refused to hold Florida's law unconstitutional (ACLU, www.aclu.org/LesbianGayRights/LesbianGayRights.cfm?ID=14990&c=104). The ACLU had challenged the law, arguing that it unconstitutionally discriminates against gays, and limits opportunities for the 3,000 Florida foster children awaiting adoption (ACLU, www.aclu.org/LesbianGayRights/LesbianGayRights). In depositions for the case, the

state's leading official overseeing adoption policy was asked, "Do you know of any child welfare reason at all for excluding gay people from adopting children?" The official answered, "no." Then, upon being asked if she believes children's best interests would be served if lesbians and gays were allowed to adopt, she responded, "As I previously stated, I think it's contraindicated to rule out such a large population of people who quite possibly could meet the needs [of] waiting children" (Ibid).

The ACLU has filed a motion asking the Appellate Court to reconsider its ruling. Courts are suppose to accord different levels of deference when reviewing a state's laws, depending on the subject matter of the case. The ACLU is arguing that the Appellate Court misinterpreted prior Supreme Court cases, and did not use the requisite level of scrutiny when examining whether or not Florida's law is constitutional. According to the ACLU, in its decision the Court relied on what it called the "unprovable assumption" that heterosexuals make better parents than gay men and lesbian women. The Court based its assumption about parenting on a "study" by a psychologist who was expelled from or censured by several psychological associations for unethical conduct, including misrepresenting and misinterpreting sociological research on sexuality (ACLU, www.aclu.org/LesbianGayRights/LesbianGayRights.cfm?ID=14988&c=104). The Court has not yet issued its decision.

One of the plaintiffs in the lawsuit has a particularly compelling case. Steven Lofton, along with his partner, Roger Croteau, is the foster parent of three children. One of these children, who is almost eleven years old and has lived with them since he was nine weeks old, is available for adoption. Florida is attempting to find a different adoptive home for him, because the state will not allow Mr. Lofton to adopt (ACLU, www.aclu.org/LesbianGayRights/LesbianGayRights). If the Court fails to strike down the law, this boy could lose the only home and family he's ever known.

Mississippi—

Mississippi's statute also prohibits gay and lesbian adoptions. Section 93-17-3 states, "Adoption by persons of the same gender is prohibited" (NAIC, <http://naic.acf.hhs.gov/laws/statutes>). State legislators had attempted to pass an even more onerous bill, under which the state would have been forbidden from recognizing lesbian and gay adoptions that have been previously granted by courts in other states. Several lesbian and gay rights' groups successfully mobilized to form a "Phone Home for Families" campaign against the proposed bill. Former and current Mississippi residents called and e-mailed State House members, telling them that a vote for the anti-adoption bill would be a vote against children. (ACLU, www.aclu.org/LesbianGayRights/LesbianGayRights).

Utah—

In March 2000, Utah enacted legislation prohibiting unmarried cohabiting couples from becoming adoptive or foster parents (NCLR, www.nclrights.org/publications/adoptive-information.htm).

Ohio—

In 1998, an appellate court in Ohio ruled in In Re Adoption of Jane Doe that second parent adoptions are not permitted. The court held, "...it is not within the constitutional scope of judicial power to change the face and effect of the plain meaning of [Ohio adoption law]." (cited in Lambda Legal, www.lambdalegal.org). The court stated that under the Ohio Adoption Act, adoption terminates the existing parent's rights (Ibid).

According to the Child Welfare League of America ("CWLA"), the policies in most states are unwritten. Instead, informal, variable policies are the rule. For example, Louisiana has no reported cases of lesbians or gay men adopting. However, a former Louisiana social worker admits to having placed children with gay parents (CWLA, www.cwla.org).

Practice Tips

As the above discussion of states' policies demonstrates, lesbians and gays have won the right to second parent adoptions not by raising civil rights issues, but by advocating for the best interests of children (however, in Florida the ACLU is basing its appeal on both issues). Specifically, lesbians and gays have stressed the importance of children having a second parent. Thus, the court in the New York case focused on the adoption statutes' concern for the child's welfare. The court found that the child's welfare necessitates allowing the two adults who function as parents to become the child's legal parents. The court emphasized the advantages accruing to a child as a result of adoption. These advantages include Social Security and life insurance benefits in the event of a parent's death or disability, the right to sue for the wrongful death of a parent, the right to inherit under rules of intestacy, and eligibility for coverage under both parents' health insurance policies. Furthermore, having a second parent ensures that two adults are legally entitled to make medical decisions for the child in case of emergency and that both are under a legal obligation for the child's economic support (See In the Matter of Jacob and In the Matter of Dana). Other advantages of second parent adoptions are that they guarantee the second parent's custody rights are protected if the first parent dies, and they grant the child a right to seek child support from the other parent in the event of separation (The Center for Lesbian and Gay Civil Rights, www.center4civilrights.org/secadopt.htm).

Accordingly, the ACLU has several policy suggestions for opposing anti-gay and lesbian adoption bills (see ACLU, www.aclu.org/LesbianGayRights/LesbianGayRights). As mentioned above, the ACLU acknowledges that opposition to anti-gay and lesbian bills cannot be based on "gay rights." Instead, the ACLU contends that proponents of gay and lesbian second-parent adoption must argue for parents' and professionals' right to decide each adoption on a case-by-case basis, with the goal of meeting the best interests of the child. The important objective is making sure that children have permanent homes, with adults who have the skills to be good parents. The ACLU also cautions against linking adoption to the issue of same sex marriage, which has no bearing on whether a person can parent. The ACLU warns that given the critical shortage of adoptive parents, children will be stuck in foster care permanently if our country continues to adopt exclusionary adoption policies.

The ACLU also recommends a number of public education and legislative strategies. For example, introducing legislators and the public to gay and lesbian families can debunk biases and stereotypes. Additionally, building alliances with children's advocacy groups and other non-gay organizations helps to focus arguments on serving the best interests of children. Adoption is a children's issue, not a gay rights issue, so legislators and the public should hear from child advocacy organizations.

Lesbian and gay groups have already formed alliances with and have been helped by other organizations that demonstrate support for second parent adoptions. The support of these mainstream groups is vital to the continued acceptance of gay and lesbian second parent adoption.

For example, the Child Welfare League of America ("CWLA") strongly supports second parent adoption. CWLA was founded in 1920, and is the nation's oldest and largest organization devoted to the well-being of vulnerable children and families. Its "Standards of

Excellence for Adoption Services” asserts that all applicants for adoption should have an equal opportunity to apply for adoption. It argues that applicants should be assessed on the basis of their parenting abilities and on the perspective of what would be in the child’s best interests, not on the basis of sexual preference (from CWLA’s Standards Regarding Sexual Orientation of Applicants, adopted in 1988, cited in www.aclu.org/LesbianGayRights/LesbianGayRights).

Other organizations support second parent adoptions as well. In February 2002, the American Academy of Pediatrics issued a policy statement supporting gay and lesbian second parent adoption (See www.aclu.org/LesbianGayRights/LesbianGayRights). Similarly, the American Academy of Family Physicians (“AAFP”) has adopted a resolution stating, “The American Academy of Family Physicians is supportive of a safe and nurturing environment, ...for biological, adopted and foster children of all families...” The AAFP’s definition of family is a group of individuals with a continuing legal, genetic and/or emotional relationship. This definition includes gays and lesbians (www.aafp.org). Moreover, in 1976, the American Psychological Association stated that the sexual orientation of natural or prospective adoptive parents should not be the sole or primary variable considered in custody or placement (APA online, www.adoptiononline.com). And in August 2003, the American Bar Association approved a resolution to support laws and court decisions permitting second parent adoptions (NCLR, www.nclrights.org/releases).

The ACLU recognizes that it may not be possible to defeat a harmful adoption bill. Therefore, it has several alternative suggestions. As mentioned earlier, the ACLU recommends a “case by case basis” proposal that puts the focus on the best interests of the child. Another proposal is to conduct a study to determine whether sexual orientation affects parenting ability and whether there is a shortage of qualified adoptive parents. This study would prove to the Legislature that there is not any scientific basis for a ban on lesbian and gay adoptions. A last ditch effort would be to propose a hierarchy of qualified parents. For a full discussion of the ACLU’s proposals, including recommended language for these alternatives, see www.aclu.org/LesbianGayRights/LesbianGayRights.

The Adoption Education Center (www.adoptiononline.com) has suggestions for social workers debating whether or not to place children with gays and lesbians. The Center recommends that social workers assess the person or couple’s strengths and weaknesses and determine if the person or couple is caring and sensitive, if they have the qualities needed to parent a child, and if they have the capacity to nurture a child not born to them. Additionally, workers need to understand the applicants’ self-image, and evaluate the stability of the couple’s relationship.

Gays and lesbians who live in states prohibiting second parent adoptions have other options available to secure their rights and responsibilities as parents. The Center for Lesbian and Gay Civil Rights suggests that couples raising children together in the absence of second parent adoption should consider taking the following legal steps (excerpted from www.center4civilrights.org/Asccparent.htm):

- ◆ Execute a medical consent form or letter allowing the non-legal parent the right to make medical decisions and authorize medical treatment.

- ◆ Sign a consent allowing the non-legal parent to pick up or drop off the child from day care or school.
- ◆ Execute a custody agreement with the partner or a co-parenting contract.
- ◆ Ensure that the legal parent's will is updated to nominate the co-parent as the "guardian" of the child if the legal parent dies.
- ◆ Some local courts may allow couples to file petitions for court orders for shared custody agreements.

Myths Associated with Gay and Lesbian Parenting

Despite many states' recognition of the abilities of gays and lesbians to parent, and despite the need for more prospective adoptive parents, half of the states continue to deny second parent adoptions. Often, this denial is motivated by homophobia. Conservatives have also used "best interests" arguments, but these arguments claim that gays and lesbians would be incompetent and even dangerous parents. For example, the Family Research Council asserts, "The evidence demonstrates incontrovertibly that the homosexual lifestyle is inconsistent with the proper raising of children. Homosexual relationships are characteristically unstable and are fundamentally incapable of providing children the security they need." (www.frc.org).

As a result of the advocacy of groups like the Family Research Council, myths still exist with respect to homosexuals. The following is a brief review of these myths and a discussion of the facts refuting the myths (information cited taken from ACLU, www.aclu.org/LesbianGayRights/LesbianGayRights and CWLA, www.cwla.org):

- ♦ *Myth:* The only acceptable home for a child is one with a mother and father who are married to each other.
- ♦ *Fact:* Children without homes do not have the option of choosing between a married mother and father or some other type of parent(s). There are not enough married mothers and fathers who are interested in adoption. If we do not expand adoptive resources, these children will never have stable and loving homes. Moreover, gay and lesbian parents can and do provide acceptable homes.
- ♦ *Myth:* Children need a mother and a father to have proper male and female role models.
- ♦ *Fact:* Children without homes have neither a mother nor a father as role models. Moreover, children get their role models from many places beside their parents.
- ♦ *Myth:* Gays and lesbians don't have stable relationships.
- ♦ *Fact:* Like other adults, the majority of lesbians and gays are in stable, committed relationships. Some of these relationships have problems, but so do some heterosexual relationships. The adoption screening process is rigorous, and is designed to screen out those who are not qualified.
- ♦ *Myth:* Gays and lesbians don't know how to be good parents.
- ♦ *Fact:* Evidence shows that lesbians and gays can and do make good parents. The American Psychological Association observed, "not a single study has found children of gay or lesbian parents to be disadvantaged in any significant respect relative to children of heterosexual parents." Children of homosexual parents show no difference in levels of self-esteem, anxiety, depression, behavioral problems, or social performance. Studies have also found that children of gay partners report closer relationships to the parent who is not the primary caregiver than do the children of heterosexual couples.
- ♦ *Myth:* Children raised by homosexual parents are more likely to become homosexual.

◆ *Fact:* All of the available evidence demonstrates that the sexual orientation of parents has no impact on the sexual orientation of their children (after all, heterosexuals raise homosexual children). However, studies show that children of gay and lesbian parents are more likely to consider or experiment with same-sex relationships during young adulthood. Furthermore, in studies lesbian mothers have reported that their children, especially daughters, are less likely to conform to cultural gender norms in dress, play, behavior, and aspirations.

◆ *Myth:* Children raised by lesbian or gay parents will be subjected to harassment by their peers.

◆ *Fact:* Children make fun of other children for many reasons. As victims of discrimination themselves, gay and lesbian parents may be more supportive of children facing harassment.

◆ *Myth:* Lesbians and gays are more likely to molest children.

◆ *Fact:* There is no connection between homosexuality and pedophilia. Scientific evidence shows that sexual orientation, whether homosexual or heterosexual, is an adult sexual attraction to other adults. Pedophilia is an adult sexual attraction to children. Heterosexual men commit ninety percent of child sexual abuse.

◆ *Myth:* Children raised by lesbians and gays will be brought up in an “immoral” environment.

◆ *Fact:* There are disagreements in this country about what is moral and what is immoral. If we eliminated all of the people who could possibly be considered immoral, we would have almost no parents left to adopt.

The studies mentioned above have several methodological problems. Their samples tend to be small, heterogeneous (most participants are urban, upper-middle class, white couples), lack control groups, and the studies are often based on self-reporting. Proponents of these studies recognize their limitations, but assert that the similarity of findings support the studies’ reliability. Nonetheless, additional, more comprehensive studies are needed (APA online, www.apa.org/pi/parent.html).

In the end, all the controversy surrounding gay and lesbian second parent adoption boils down to the need to provide homes for the thousands of children awaiting adoption, and the need to safeguard the lives of children of homosexual partners who only have one legal parent. As Steven Lofton, a plaintiff in the Florida case states, “ I have been his [the foster child’s] parent in every way...I make sure he is safe. He calls me ‘Dad.’...I love him deeply and want to protect him. But I cannot protect him unless I can adopt him,” (cited in ACLU, www.aclu.org/LesbianGayRights/LesbianGayRights). Much evidence points to the competence of gay and lesbian parents, and their existing children and their potential adoptive children deserve a chance to lead happy lives in a loving, supportive family.

Web Sites and Resources

For general information on adoption as it relates to gays and lesbians, see “Gay & Lesbian Resources,” www.adoptions.com. This site contains links to various websites, including directories of adoption professionals who can help with adoptions, support and advocacy groups for children of lesbian and gay parents, an overview of state adoption laws, prospective birth parents, and book references.

Adoption Online, at <http://adoptiononline.com/>, provides information and services to everyone touched by adoption. The website can also help prospective adoptive parents and prospective birthparents meet.

NAIC is a resource on all aspects of adoption. The website contains a list of publications, organized according to topic, at <http://naic.acf.hhs.gov/pubs/index.cfm>.

The NCLR is a national legal resource center whose commitment is to advance the rights of lesbians and their families through litigation, public policy advocacy, free legal advice and counseling, and public education. Its website has links to general information sources for gays and lesbians, legal organizations that can assist lesbians and gays, and advocacy groups. Access its “Information Sources” at www.nclrights.org/resources.htm.

See Lamda Legal, August 27, 2002, “Overview of State Adoption Laws,” www.lamdalegal.org/cgi-bin/iowa/documents/record?record=399 for a charted overview of each state’s adoption laws. Please note, however, that this information is only current through August 2002, so researchers must compare this chart to more current information.

The Human Rights Campaign Foundation, at www.hrc.org, allows users to find attorney referral services, adoption agencies, and local domestic partner registries.

In its appendix, the Adoption Education Center, www.adoptiononline.com, has information about support groups for gay and lesbian parents organized by state, and lists sources of information specific to gay and lesbian issues in adoption, also state by state. Additionally, the site contains a bibliography of books for gay and lesbian parents.

The APA Online, www.apa.org/pi/parent.html summarizes research findings concerning lesbian and gay parenting. At the end of the article there are links to studies, articles, books and additional resources.

The Queer Resources Directory, at www.qrd.org/ contains information on a wide variety of issues of interest to the gay and lesbian community.



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INFORMATION PACKET:

Gay & Lesbian Foster Care and Adoption

By Joanne Smith

MAY 2002

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The increasing number of homosexuals choosing to adopt has brought the issue of gay and lesbian parenting to the forefront. Social workers are being asked to look carefully at their own feelings and to make reasonable judgments about what is in the best interest of

children who need families. The increasing number of children needing adoptive families puts pressure on workers to find appropriate families. Should stable, nurturing, mature applicants be turned away only on the basis of sexual preference?¹

Gay men and lesbians have always adopted, though in the past they usually hid their sexual orientation. Today, as they have become more visible in all aspects of society, they are determined to be considered seriously as potential adoptive parents. This may become easier in light of the fact that the number of gay and lesbian biological parents in the United States has increased dramatically during the past two decades. In 1976, there were an estimated 300,000 to 500,000; today, there are an estimated 1.5 to 5 million lesbian mothers and 1 to 3 million gay fathers. As of 1990, an estimated 6 to 14 million children were being raised in gay and lesbian households.²

Until the 1950s and '60s, adoption was predominately used to place healthy white babies in the homes of middle class, married couples. In the decades since, adoption practices have changed dramatically, and adoption has become a way for increasingly diverse populations to form families.

Rosie O'Donnell has helped all Lesbian and Gay families wanting to adopt children by raising awareness and putting a face on the loving homes that children can find with all kinds of families. The AIA supports Steve Lofton and Roger Croteau, a gay couple fighting to keep their family together by trying to overturn the state of Florida's ban on gay adoption who are challenging Florida's law which states: **"No person eligible to adopt under this statute may adopt if that person is a homosexual."** Title IV, Chapter 63, Article 63.042: Who may be adopted: who may adopt ³

¹ Written by Gloria Hochman, Mady Prowler, and Anna Huston of the National Adoption Center in Philadelphia, Pennsylvania, for the National Adoption Information Clearinghouse, 1995. Used by permission.

² Kreisher, Kristen. (January 2002) is Managing Editor of *Children's Voice* Article, *Child Welfare League of America Children's Voice*.

³ American Infertility Association (AIA). (2002). Supports Gay/Lesbian Adoptive Families: Calls for an end to "Gender Politics" New York, NY

FACT SHEET/GENERAL STATISTICS

(The Following Facts have been compiled from Lesbian & Gay Rights, American Civil Liberties Union, Freedom Network)

- The issue of adoption is best decided by parents and professionals on a case-by-case basis, not by politicians or the government.
- The goal of adoption is to make sure that the child has a permanent home with people who have the skills to be good parents.
- Lesbians and gay men can and do make good parents.
- There is a critical shortage of adoptive parents, and children will be stuck in foster care *permanently* if we start adopting exclusionary adoption policies.
- According to the Adoption and Foster Care Analysis and Reporting System, on September 30, 2001, 132,000 children in the public child welfare system were waiting to be adopted. The median age of children in this group was 7.7 years, and many had spent more than 36 continuous months in foster care.
- 21 states have granted second-parent adoptions to lesbian and gay couples, ensuring that their children can enjoy the benefits of having two legal parents, especially if one of the parents dies or becomes incapacitated.

- More than 22 states to date have allowed lesbians and gay men to adopt children either through state-run or private adoption agencies.
- One state (Florida) has a law that expressly bars lesbians and gay men from ever adopting children.
- Arkansas has just adopted a policy prohibiting lesbians, gay men, and those who live with them, from serving as foster parents.

MYTHS VS FACTS

About Lesbian and Gay Foster and Adoptive Parents

(The following is adopted from the American Civil Liberties Union Fact Sheet: Overview of Lesbian and Gay Parenting, Adoption and Foster Care, April 1999)

Myth: The only acceptable home for a child is one with a mother and father who are married to each other.

Fact: Children without homes do not have the option of choosing between a married mother and father or some other type of parent(s). These children have neither a mother nor a father, married or unmarried. There simply are not enough married mothers and fathers who are interested in adoption and foster care. Last year only 20,000 of the 100,000 foster children in need of adoption were adopted, including children adopted by single people as well as married couples. Our adoption and foster care policies must deal with reality, or these children will never have stable and loving homes.

Myth: Children need a mother and a father to have proper male and female role models.

Fact: Children without homes have neither a mother nor a father as role models. And children get their role models from many places besides their parents. These include grandparents, aunts and uncles, teachers, friends, and neighbors. In a case-by-case

evaluation, trained professionals can ensure that the child to be adopted or placed in foster care is moving into an environment with adequate role models of all types.

Myth: Gays and lesbians don't have stable relationships and don't know how to be good parents.

Fact: Like other adults in this country, the majority of lesbians and gay men are in stable committed relationships.⁴ Of course some of these relationships have problems, as do some heterosexual relationships. The adoption and foster care screening process is very rigorous, including extensive home visits and interviews of prospective parents. It is designed to screen out those individuals who are not qualified to adopt or be foster parents, for whatever reason. All of the evidence shows that lesbians and gay men can and do make good parents. The American Psychological Association, in a recent report reviewing the research, observed that "not a single study has found children of gay or lesbian parents to be disadvantaged in any significant respect relative to children of heterosexual parents," and concluded that "home environments provided by gay and lesbian parents are as likely as those provided by heterosexual parents to support and enable children's psychosocial growth."⁶ That is why the Child Welfare League of America, the nation's oldest children's advocacy organization, and the North American Council on Adoptable Children say that gays and lesbians seeking to adopt should be evaluated just like other adoptive applicants.

Myth: Children raised by gay or lesbian parents are more likely to grow up gay themselves.

Fact: All of the available evidence demonstrates that the sexual orientation of parents has no impact on the sexual orientation of their children and that children of lesbian and gay parents are no more likely than any other child to grow up to be gay.⁶ There is some evidence that children of gays and lesbians are more tolerant of diversity, but this is certainly not a disadvantage. Of course, some children of lesbians and gay men will grow up to be gay, as will some children of heterosexual parents. These children will have the added advantage of being raised by parents who are supportive and accepting in a world that can sometimes be hostile.

Myth: Children who are raised by lesbian or gay parents will be subjected to harassment and will be rejected by their peers.

Fact: Children make fun of other children for all kinds of reasons: for being too short or too tall, for being too thin or too fat, for being of a different race or religion or speaking a different language. Children show remarkable resiliency, especially if they are provided with a stable and loving home environment. Children in foster care can face tremendous abuse from their peers for being parentless. These children often internalize that abuse, and often feel unwanted. Unfortunately, they do not have the emotional support of a loving permanent family to help them through these difficult times.

Myth: Lesbians and gay men are more likely to molest children.

Fact: There is no connection between homosexuality and pedophilia. All of the legitimate scientific evidence shows that. Sexual orientation, whether heterosexual or homosexual, is an adult sexual attraction to others. Pedophilia, on the other hand, is an adult sexual attraction to children. Ninety percent of child abuse is committed by

heterosexual men. In one study of 269 cases of child sexual abuse, only two offenders were gay or lesbian. Of the cases studied involving molestation of a boy by a man, 74 percent of the men were or had been in a heterosexual relationship with the boy's mother or another female relative. The study concluded that "a child's risk of being molested by his or her relative's heterosexual partner is over 100 times greater than by someone who might be identifiable as being homosexual, lesbian, or bisexual."⁷

Myth: Children raised by lesbians and gay men will be brought up in an "immoral" environment.

Fact: There are all kinds of disagreements in this country about what is moral and what is immoral. Some people may think raising children without religion is immoral, yet atheists are allowed to adopt and be foster parents. Some people think drinking and gambling are immoral, but these things don't disqualify someone from being evaluated as an adoptive or foster parent. If we eliminated all of the people who could possibly be considered "immoral," we would have almost no parents left to adopt and provide foster care. That can't be the right solution. What we can probably all agree on is that it is immoral to leave children without homes when there are qualified parents waiting to raise them. And that is what many gays and lesbians can do.

⁴ Overlooked Opinions. "The Gay Market," Chicago, January 1992.

⁵ American Psychological Association. *Lesbian And Gay Parenting: A Resource For Psychologists* (1995).

⁶ See Bailey, J.M., Bobrow, D., Wolfe, M. & Mikach, S. (1995). Sexual orientation of adult sons of gay fathers. *Developmental Psychology*, 31, 124-129; Bozett, F.W. (1987). *Children of gay fathers*. F.W. Bozett (Ed.), *Gay and Lesbian Parents* (pp. 39-57). New York: Praeger; Gottman, J.S. (1991). Children of gay and lesbian parents. F.W. Bozett & M.B. Sussman. (Eds.), *Homosexuality and Family Relations* (pp. 177-196). New York: Harrington Park Press; Golombok, S., Spencer, A., & Rutter, M. (1983). Children in lesbian and single-parent households: psychosexual and psychiatric appraisal, *Journal of Child Psychology and Psychiatry*, 24, 551-572; Green, R. (1978). Sexual identity of 37 children raised by homosexual or

transsexual parents, *American Journal of Psychiatry*, 135, 692-697; Huggins, S.L., (1989) A comparative study of self-esteem of adolescent children of divorced lesbian mothers and divorced heterosexual mothers. F. W. Bozett (Ed.), *Homosexuality and the Family* (pp. 123-135). New York: Harrington Park Press; Miller, B. (1979). Gay fathers and their children, *The Family Coordinator*, 28, 544-52; Paul, J.P. (1986).

Carole Jenny, et al., Are Children at Risk for Sexual Abuse by Homosexuals?, *Pediatrics*, Vol. 94, No. 1 (1994); see also David Newton, *Homosexual Behavior and Child Molestation: A Review of the Evidence*, *Adolescence*, Vol. XIII, No. 49 at 40 (1978) ("A review of the available research on pedophilia provides no basis for associating child molestation with homosexual behavior.")

7Carole Jenny, et al., *Are Children at Risk for Sexual Abuse by Homosexuals?*, *Pediatrics*, Vol. 94, No. 1 (1994); see also David Newton, *Homosexual Behavior and Child Molestation: A Review of the Evidence*, *Adolescence*, Vol. XIII, No. 49 at 40 (1978) ("A review of the available research on pedophilia provides no basis for associating child molestation with homosexual behavior.")

LEGISLATIVE STRATEGIES/ BEST PRACTICE TIPS

(The following Legislative Strategies have been compiled from www.ACLU.org website)

- The ACLU's policy memorandum contains information, "Defending Fair And Sensible Adoption Policies" and should be used to defeat anti-gay, anti-child adoption legislation.
- Introduce Legislators And The Public To Lesbian And Gay Families. To effectively debunk biases and stereotypes invoked by opponents of "gay adoption" show the public and legislators who lesbian and gay parents are.
- Get lesbian and gay families to tell their stories in testimony before legislative committees, to the media, and in public meetings. Try to find lesbian or gay couples or individuals who have adopted or are otherwise raising children and who are willing to tell their story in public.

(The following statistics have been compiled from the websites listed in the resources)

- Build Alliances With Children's Advocacy Groups And Other Non-Gay Organizations, pediatricians, interested members of communities of faith, and

others who have historically expressed a strong interest in the interests of children.

- Representatives of children's advocacy groups and pediatricians can testify before legislators and speak at public events. Children's groups can join with you to publish supportive op ed pieces.
- Where possible, you should work to defeat hostile adoption legislation in an "up or down" vote on the proposed legislation. However, depending on the circumstances, this may not be the approach most likely to succeed. What follows are a number of proposed alternatives that can be introduced either as amendments or alternatives if it does not appear possible to kill a bad adoption bill on a straight vote.
- Child Welfare League of America's Standards for Adoption Service state, All applicants should have an equal opportunity to apply for the consideration of their qualifications as adoptive parents, under applicable law. (5.4) Applicants should be fairly assessed on their abilities to successfully parent a child needing family membership and not on their appearance, differing lifestyle, or sexual preference.
- The American Psychological Association adopted the belief that homosexuality per se implies no impairment in judgment, stability, reliability, or general social and vocational capabilities. The American Psychological Association urges all mental health professionals to take the lead in moving the stigma of mental illness that has long been associated with homosexual orientations.
- The February 4, 2002 NY Times states that the American Academy of Pediatrics says it will support right of gay men and lesbians to adopt their partners' children; says most

studies over past two decades indicate children of gay or lesbian parents are as well adjusted socially and psychologically as those of heterosexual parents; experts say endorsement is likely to carry weight in courts and legislatures because group, which represents 55,000 pediatricians, enjoys wide respect; three states currently ban such adoptions, while seven and Washington (DC) permit them by law or court ruling; otherwise, legal status of such adoptions varies widely (Goode, 2002).

- The American Psychological Association deplores all public and private discrimination in such areas as employment, housing, public, accommodation, and licensing against those who engage in or have engaged in homosexual activities and urges the enactment of civil rights legislation at the local, State and Federal level that would offer citizens who engage in acts of homosexuality the same protections now guaranteed to others on the basis of race, creed, color, etc.
- The Statement of National Association of Social Workers Code of Ethics on Gay and Lesbian Issues is that social workers should not practice, condone, facilitate, or collaborate with any form of discrimination on the basis of race, color, sex, sexual orientation, age, religion, national origin, marital status etc. Social workers should act to expand choice and opportunity for all persons, with special regard to disadvantaged or oppressed groups and persons.

Laws and Practices Vary From State to State

(Work Compiled from Child Welfare League. Children's Voice Article: Gay Adoption (January 2002))

- Federal and state laws govern adoption, but practices within states often vary from region to region-and even from agency to agency and judge to judge. By researching state laws and analyzing court records, the Human Rights Campaign

(HRC), the nation's largest gay and lesbian organization, have determined 21 states and the District of Columbia are "open" to gay adoption. "More and more states recognize gay and lesbian adoption as a fine thing," says Lisa Bennett, Deputy Director of HRC's Family Net. "Some have explicit, welcoming language."

- New Jersey was the first state to specify that sexual orientation and marital status cannot be used to discriminate against couples who are seeking to adopt. The state also allows second-parent adoption, a legal procedure by which a co parent can adopt the biological or adopted child of his or her nonmarital partner.
- New York also grants second-parent adoptions statewide and forbids discrimination in adoption decisions. California recently enacted a new domestic partnership law that legalizes second-parent adoption.
- Utah prohibits adoption by any unmarried couple or individual. And while Mississippi does not explicitly ban gay and lesbian individuals from adopting, it does prohibit adoption by same-sex couples, and the climate is reported as unwelcoming.
- The policies in most states, however, are unwritten, and experts assume they will stay that way. According to Joan Heifetz Hollinger, a visiting professor at the University of California Berkeley School of Law and a leading scholar on adoption law and practice, much of the decision making in adoption cases "happens behind public view, without much scrutiny."

- Informal, variable policies are the rule in most states. Louisiana, for example, restricts adoption to married couples and single individuals and has no reported cases of gays adopting. CWLA's White, previously a Louisiana social worker and state adoption director, however, says, "I myself placed kids with gay parents," stressing that many were already foster parents to the children and her decisions were based purely on their "ability to parent."
- The new permanency guidelines in the Adoption and Safe Families Act of 1997 have led to an increased number of children in the child welfare system who need homes, and a growing acceptance of nontraditional families who want to adopt. Freundlich says agencies want to "maximize adoptive family resources without drawing

MODEL PROGRAMS AND ORGANIZATIONS

(Hundreds of support groups for lesbian and gay families exist throughout the country. The following list is modified from The Gay and Lesbian Parenting Handbook.)

Information Specific to Gay and Lesbian Issues In Adoption State by State:

ARIZONA	Gay and Lesbian Parent Support Network P.O. Box 66823 Phoenix, AZ 85082-6823 (602) 256-9173
CALIFORNIA	Ysabel Llerena, M.A., M.S.W. International Adoption Consultant 1121 La Cienega Blvd., Ste. 205 West Hollywood, CA 90069 (310) 652-2412
National Center for Lesbian Rights http://www.nclrights.org 870 Market Street, Suite 570 San Francisco, CA 94102 (415) 392-6257 Fax: (415) 392-8442 info@nclrights.org	"Just For Us" Newsletter c/o COLAGE (Children of Lesbians and Gays Everywhere) 2300 Market Street, Box 165 San Francisco, CA 94114

"The Family Next Door" Magazine for Lesbian and Gay Parents and their Friends P.O. Box 21580 Oakland, CA 94620 (510) 482-5778	Gay Fathers of Long Beach c/o The Center 2017 East Fourth St. Long Beach, CA 90814
Lesbian Mothers Group of Long Beach 2017 E. 4th St. Long Beach, CA 90814 (310) 434-4455	The Lyon-Martin Women's Health Clinic 1748 Market St., Ste. 201 San Francisco, CA 94102 (415) 565-7674
Outreach for Couples 405 W. Washington St., #86 San Diego, CA 92103	Gay and Lesbian Parents of Los Angeles Suite 109-346 7985 Santa Monica Blvd. West Hollywood, CA 90046 (213) 654-0307
AASK Adopt A Special Kid http://www.adoptaspecialkid.org 7700 Edgewater Drive, Suite 125 Oakland, CA 94621 (510) 553-1748 ext. 12 andrea@adoptaspecialkid.org	Family Pride Coalition http://www.familypridecoalition.org PO Box 34337 San Diego, CA 92163 (619) 296-0199 Fax: (619) 296-0699 pride@familypride.org
Children of Lesbians and Gays Everywhere – COLAGE http://www.colage.org 3543 18th Street #17 San Francisco, CA 94110 (415) 861-5437 colage@colage.org	!OutProud! The National Coalition for Gay, Lesbian, Bisexual & Transgender Youth 369 Third Street, Suite B-362 Web site: http://www.outproud.org San Rafael, CA 94901-3581 E-mail: info@outproud.org
COLORADO	Gay and Lesbian Parents-Denver P.O. Box Drawer E Denver, CO 80218 (303) 937-3625
DISTRICT OF COLUMBIA	Gay Fathers Coalition of Washington, DC P.O. Box 19891 Washington, DC 20036 (202) 583-8029
Parents, Families, Friends of Lesbians and Gays - PFLAG http://pflag.org/pflag.html 1101 14th Street NW, Suite 1030 Washington, DC 20005 (202) 638-4200 Fax: (202) 638-0243	Sexual Minority Youth Assistance League (SMYAL) http://www.smyal.com 410 Seventh Street SE Washington, DC 20003-2707 (202) 546-5940 Fax: (202) 544-1306

<i>info@pflag.org</i>	<i>smyal@aol.com</i>
Child Welfare League of http://www.cwla.org 440 First Street NW, Third Floor Washington, DC 20001-2085 <i>info@cwla.org</i> (202) 638-2952 Fax: (202) 638-4004	Gay and Lesbian Alliance Against Defamation – GLAAD http://www.glaad.org 1825 Connecticut Ave NW, 5th Floor Washington, DC 20009 (800) GAY-MEDIA
Gay Fathers Coalition PO Box 19891 Washington, DC 20036 (202) 583-8029	
MASSACHUSETTS	Lesbian/Gay Family Parenting Services Fenway Community Health Center 7 Haviland St. Boston, MA 02115
Gay Fathers of Greater Boston P.O. Box 1373 Boston, MA 02205	
NEW JERSEY	National Gay and Lesbian Parent Coalition Newsletter (quarterly) P.O. Box 43206 Upper Montclair, NJ 07043 (201) 783-6204
NEW YORK	
April Martin, Ph.D. Clinical Psychologist 429 W. 24th St. New York, NY 10011 (212) 675-6872	Center Kids-Terry Boggis, Director 208 West 13th St. New York, NY 10011 (212) 620-7310
Gay Fathers Coalition of Buffalo Westside Station P.O. Box 404 Buffalo, NY 14213 (716) 633-2692	Gay Fathers NY Church Street Station P.O. Box 2553 New York, NY 10008-7727
Gay Fathers Forum of Greater New York Midtown Station P.O. Box 1321 New York, NY 10018-0725 (212) 721-4216	Gay Fathers of Long Island P.O. Box 2483 Patchogue, NY 11772-0879
American Civil Liberties Union - Lesbian and Gay Rights Project http://www.aclu.org 125 Broad Street	<i>Gay, Lesbian, and Straight Education Network</i> – GLSEN http://www.glsen.org <i>121 West 27th Street, Suite 804</i>

New York, NY 10004 (212) 549-2627 <i>LGRPACLU@aol.com</i>	<i>New York, NY 10001</i> (212) 727-0135 <i>Fax: (212) 727-0254:</i> <i>glsen@glsen.org</i>
Lambda Legal Defense and Education Fund <i>http://www.lambdalegal.org</i> 120 Wall Street, Suite 1500 New York, NY 10005-3904 (212) 809-8585 <i>Fax: (212) 809-0055n</i> <i>lambda@lambdalegal.org</i>	<i>Lesbian and Gay Rights Project</i> <i>http://www.aclu.org</i> <i>125 Broad Street</i> <i>New York, NY 10004</i> <i>(212) 549-2627</i>
NORTH CAROLINA	GLP/Queen City-Charlotte 4417-F Sharon Chase Dr. Charlotte, NC 28215
OHIO	Lesbian Mothers/Co-Parents Support Group Cincinnati, OH (513) 631-5812
Momazons <i>http://www.glbnet.com/~momazons</i> PO Box 02069 Columbus, OH 43202 (614) 267-0193 <i>momazons@aol.com</i>	Denise Goodman, Ph.D. Consultant and Trainer 1824 Snouffer St. Worthington, OH 43085 (614) 436-6838
Gay and Lesbian Parenting Group of Central Ohio P.O. Box 16235 Columbus, OH 43216	Gay Fathers 1319 W. 106th St. Cleveland, OH 44102 (216) 228-4550
Gay/Lesbian Parenting Coalition Ashtabula, Lake and Geauga Co. (216) 974-8909	Momazons P.O. Box 02069 Columbus, OH 43202 (614) 267-0193
OREGEN	Love Makes a Family <i>http://www.teleport.com/~lmfamily</i> PO Box 5163 Portland, OR 97208-5163
Love Makes a Family Bonnie Tinker 6243 NE 19th St. Portland, OR 97211 (503) 288-4306	
PENNSYLVANIA	CALM, Inc. (Custody Action for Lesbian Mothers) P.O. Box 281

	Narberth, PA 19072 (215) 667-7508
Abby Ruder Adoption Information Services 901B E. Willow Grove Ave. Wyndmoor, PA 19118 (215) 233-1380	Philadelphia Family Pride P.O. Box 4995 Philadelphia, PA 19119 (215) 843-1596
Women's Law Project 125 S. Ninth St., Ste. 401 Philadelphia, PA 19107 (215) 928-9801	Custody Action for Lesbian Mothers - CALM, Inc. PO Box 281 Narberth, PA 19072 (215) 667-7508
TEXAS	Gay Fathers of Austin c/o Robert H. Havican P.O. Box 16181 Austin, TX 78761-6181
Gay Fathers/Fathers First of Houston P.O. Box 981053 Houston, TX 77098-1053 (713) 782-5414	Houston Gay and Lesbian Parent Support P.O. Box 35709-262 Houston, TX 77235 (713) 666-8260
SAGL Parents P.O. Box 15094 San Antonio, TX 78212 (512) 828-4092	ABC Adoption Agency 417 San Pedro Ave. San Antonio, TX 78212 (512) 227-7820
VERMONT	Friends in Adoption Buxton Ave., Box 7270 Middletown Springs, VT 05751 (802) 235-2312
Children's Home Society of Washington Gay Adoptive Parent Support Group 3300 N.E. 65th St. Seattle, WA 98115-0190 (206) 524-6020	Lavender Families Resource Network PO Box 21567 Seattle, WA 98111 (206) 325-2643
Partners Task Force for Gay and Lesbian Couples http://www.buddybuddy.com Box 9685 Seattle, WA 98109-0685 (206) 935-1206 demian@buddybuddy.com	

INTERNATIONAL:	Gay and Lesbian Parents Coalition International P.O. Box 34337 San Diego, CA 92163 (619) 296-0199 (619) 296-0699 (fax) http://www.glpci.org
The International Lesbian and Gay Association Web site: http://www.ilga.org ILGA Administrative Office 81 Kolenmarkt B 1000, Brussels, Belgium +32-2-5022471 E-mail: ilga@ilga.org	Lesbian Mothers Support Society PO Box 61 Station M Calgary, Alberta Canada T2P2G9 (403) 265-6433 highs@cadivision.com

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PO Box 750852, Forest Hills, NY 11375-0852, (718) 793-6641, gayparentmag@banet.net

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